

PTO-1390

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY DOCKET NUMBER

85304

#6

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/531,513

INTERNATIONAL APPLICATION NO.  
**PCT/IB2003/04489**INTERNATIONAL FILING DATE  
**October 10, 2003**PRIORITY DATE CLAIMED  
**October 17, 2002**TITLE OF INVENTION  
**A METHOD OF FEEDING A SUTURE ELEMENT**

APPLICANT(S) FOR DO/EO/US

**Theodor Gerhard RÖSCH**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. Please do not delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(e)(4))
10.  An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 20. below concern document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18.  A second copy of the published international application under 35 U.S.C. 154(d)(4).
19.  A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20.  Other items or information: **Copy of Notification of Missing Requirements under 35 U.S.C. 371 mailed 9/26/05.**

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

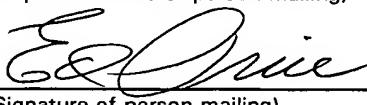
"Express Mail" Mailing Label Number EL 524667866 US

Date of Deposit NOV 01 2005

I hereby certify that this paper or fee is being deposited with sufficient postage utilizing the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ED PRICE

(Typed or printed name of person mailing)



(Signature of person mailing)

10/531,513

PCT/IB2003/04489

85304

## 21. The following fees are submitted:

	Applicant use	Office use only
<input checked="" type="checkbox"/> a) Basic national fee .....	\$ 300.00	
<input checked="" type="checkbox"/> b) Examination fee .....	\$ 200.00	
<input checked="" type="checkbox"/> c) Search fee .....	\$ 500.00	

TOTAL OF ABOVE CALCULATIONS =

\$ 0.00

Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof		RATE	
25 - 100 = 0 / 50 =	0	0	x	\$250.00	\$ 0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130.00

CLAIMS	NUMBER FILED		NUMBER EXTRA		RATE	
Total claims	17	- 20 =	0	x	\$50.00	\$ 0.00
Independent Claims	3	- 3 =	0	x	\$200.00	\$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)					\$360.00	\$ 0.00

TOTAL OF ABOVE CALCULATIONS = \$ 0.00

Applicant(s) assert entitlement to Small Entity Status (37 CFR 1.27), thus reducing the filing fee by half to:

SUBTOTAL = \$ 0.00

Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

TOTAL NATIONAL FEE = \$ 130.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.

TOTAL FEES ENCLOSED = \$ 130.00

11/04/2005 MKAYPAGH 00000057 10531513

AMOUNT TO BE:

Refunded \$

01 FC:1617 130.00 DA

Charged \$

a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b.  Please charge my Deposit Account No. 06-1135 in the amount of \$ 130.00 to cover the above fees. A duplicate copy of this sheet is enclosed. (Trans. No. 25720).

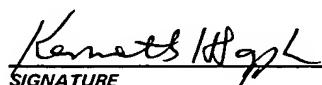
c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1135. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

FITCH, EVEN, TABIN & FLANNERY  
120 South LaSalle Street, Suite 1600  
Chicago, IL 60603-3406 U.S.A.

Telephone: (312) 577-7000  
Facsimile: (312) 577-7007

  
SIGNATURE

Kenneth H. Samples  
NAME

25,747  
REGISTRATION NUMBER



UNITED STATES PATENT AND TRADEMARK OFFICE

JPK/KHS

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/531,513

FIRST NAMED APPLICANT

Theodor Gerhard Rosch

ATTY. DOCKET NO.

169 85304

INTERNATIONAL APPLICATION NO.

PCT/IB03/04489

I.A. FILING DATE

10/10/2003

PRIORITY DATE

10/17/2002

22242

FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO, IL 60603-3406

*Jul 11/26/05*

DOCKETED

OCT 17 2005

BY: *[Signature]*

CONFIRMATION NO. 9097

371 FORMALITIES LETTER

\*OC000000017101270\*

\*OC000000017101270\*

Date Mailed: 09/26/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/15/2005
- Copy of the International Search Report filed on 04/15/2005
- Copy of IPE Report filed on 04/15/2005
- Preliminary Amendments filed on 04/15/2005
- Information Disclosure Statements filed on 05/31/2005
- Oath or Declaration filed on 04/15/2005
- U.S. Basic National Fees filed on 04/15/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

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Telephone: (703) 308-9140 EXT 207

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**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/531,513	PCT/IB03/04489	85304

FORM PCT/DO/EO/905 (371 Formalities Notice)